

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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KEVIN LOYNACHAN and JANICE  
LOYNACHAN, individually and as  
successors-in-interest to  
Decedent CHAD LOYNACHAN,

Plaintiffs,

v.

DARLENE SMILEY, in her  
individual capacity as a law  
enforcement officer for SISKIYOU  
COUNTY SHERIFF'S OFFICE; and  
DOES 1-50, inclusive,

Defendant.

No. 2:22-cv-00841 WBS JDP

ORDER

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Defendant Darlene Smiley has appealed the court's  
denial of her motion for summary judgment on qualified immunity  
grounds. (Docket No. 47.) A federal court can stay a proceeding  
pending the outcome of an appeal. See Nken v. Holder, 556 U.S.  
418, 421 (2009). The power to stay proceedings "is incidental to  
the power inherent in every court to control the disposition of

1 the cases on its docket with economy of time and effort for  
2 itself, for counsel, and for litigants." Landis v. N. Am. Co.,  
3 299 U.S. 248, 254 (1936).

4 The court in its discretion determines that a stay is  
5 appropriate at this time. Accordingly, all proceedings in this  
6 case are hereby STAYED pending final adjudication of defendant's  
7 appeal, and all hearing dates are hereby VACATED. The parties  
8 are directed to file a joint status report within ten days after  
9 the resolution of defendant's appeal.

10 IT IS SO ORDERED.

11 Dated: February 23, 2024



12 WILLIAM B. SHUBB

13 UNITED STATES DISTRICT JUDGE  
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